

[Second Reprint]

SENATE, No. 3207

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED NOVEMBER 26, 2018

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Senator CHRISTOPHER "KIP" BATEMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Senator RICHARD J. CODEY

District 27 (Essex and Morris)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblywoman NANCY J. PINKIN

District 18 (Middlesex)

Assemblyman JAMES J. KENNEDY

District 22 (Middlesex, Somerset and Union)

Co-Sponsored by:

**Senator Singleton, Assemblymen Benson, Johnson, Zwicker, Calabrese,
Conaway, Assemblywomen Jasey and Downey**

SYNOPSIS

Establishes new timeframes for implementation of, and revises, certain requirements in "Global Warming Response Act."

CURRENT VERSION OF TEXT

As amended by the Senate on March 14, 2019.

(Sponsorship Updated As Of: 5/24/2019)

1 AN ACT concerning the reduction of greenhouse gases and
2 amending ¹**[and supplementing]**¹ P.L.2007, c.112.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 2 of P.L.2007, c.112 (C.26:2C-38) is amended to
8 read as follows:

9 2. The Legislature finds and declares that, internationally, the
10 issue of global warming has caused alarm, awareness, and action
11 concerning climate changes occurring around the globe attributed to
12 the high level of certain gases called "greenhouse gases" - gases
13 that increase temperatures in the atmosphere and the risk of
14 catastrophic changes to the Earth's ecosystems and environment;
15 that, while this global warming may be a theory to some, the effects
16 of increasing levels of greenhouse gases in the atmosphere are
17 accepted by **[many]** all respected scientists and **[members]** the vast
18 majority of the international community as seriously detrimental to
19 the ecosystems and environment of the world; that, ultimately, if
20 steps are not taken to reverse these trends, the effects on human,
21 animal and plant life on Earth may be catastrophic; that solutions
22 exist to halt the increasing of greenhouse gases in the atmosphere
23 and reduce these emissions; that, as a global issue, each country and
24 region within a country must do its part to reduce these greenhouse
25 gases that threaten the globe; and that, as a State, there are specific
26 actions that can be taken to attack the problem of global warming,
27 through reductions of greenhouse gas emissions in the State and
28 participation in regional and interstate initiatives to reduce these
29 emissions regionally, nationally, and internationally.

30 The Legislature further finds and declares that, while carbon
31 dioxide is the ¹primary and¹ most abundant greenhouse gas, other
32 greenhouse gases known as short-lived climate pollutants, including
33 black carbon, fluorinated gases, and methane, create a warming
34 influence on the climate that is many times more potent ¹over a
35 shorter period of time¹ than that of carbon dioxide, and have a
36 dramatic and detrimental effect on air quality, public health, and
37 climate change; and that reducing emissions of these pollutants can
38 have an immediate beneficial impact on climate change and public
39 health.

40 The Legislature therefore finds and declares that it is in the
41 public interest to establish a greenhouse gas emissions reduction
42 program ¹that includes a comprehensive strategy to reduce short-
43 lived climate pollutants and¹ to limit the level of Statewide
44 greenhouse gas emissions, and greenhouse gas emissions from

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate floor amendments adopted February 21, 2019.

²Senate floor amendments adopted March 14, 2019.

1 electricity generated outside the State but consumed in the State, to
2 the 1990 level or below, of those emissions by the year 2020, and to
3 reduce those emissions to 80 **[%]** percent below the 2006 level by
4 the year 2050 ¹, and to develop a comprehensive strategy to reduce
5 emissions of short-lived climate pollutants in the State¹ .
6 (cf: P.L.2007, c.112, s.2)

7
8 2. Section 3 of P.L.2007, c.112 (C.26:2C-39) is amended to
9 read as follows:

10 3. For the purposes of **[this act]** P.L.2007, c.112 (C.26:2C-37
11 et al.):

12 “Department” means the Department of Environmental
13 Protection.

14 “Greenhouse gas” means carbon dioxide, ¹[black carbon,]¹
15 methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons,
16 sulfur hexafluoride, and any other gas or substance determined by
17 the Department of Environmental Protection to be a significant
18 contributor to the problem of global warming.

19 “Statewide greenhouse gas emissions” means the sum of
20 calendar year emissions of greenhouse gases from all sources within
21 the State, and from electricity generated outside the State but
22 consumed in the State, as determined by the department pursuant to
23 subsection c. of section 5 of **[this act]** P.L.2007, c.112 ¹(C.26:2C-
24 37 et al.)¹ C.26:2C-41)¹ .

25 “2020 limit” means the level of greenhouse gas emissions equal
26 to the 1990 level of Statewide greenhouse gas emissions.

27 “2050 limit” means the level of greenhouse gas emissions equal
28 to 80 percent less than the 2006 level of Statewide greenhouse gas
29 emissions.

30 (cf: P.L.2007, c.112, s.3)

31

32 3. Section 5 of P.L.2007, c.112 (C.26:2C-41) is amended to
33 read as follows:

34 5. a. No later than **[January 1, 2009]** 18 months after the
35 effective date of P.L. , c. (C.) (pending before the
36 Legislature as this bill), the department shall adopt, pursuant to the
37 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
38 seq.), rules and regulations establishing a greenhouse gas emissions
39 monitoring and reporting program to monitor and report Statewide
40 greenhouse gas emissions.

41 b. The rules and regulations adopted pursuant to subsection a.
42 of this section shall identify all significant sources of Statewide
43 greenhouse gas emissions ¹including short-lived climate pollutants,¹
44 and shall provide for, but need not be limited to, the following:

45 (1) monitoring and reporting of existing emissions and changes
46 in emissions over time from the sources identified by the
47 department;

1 (2) reporting the levels of those emissions and changes in those
2 emissions levels annually, commencing **[on January 1, 2009]** 18
3 months after the effective date of P.L. , c. (C.) (pending
4 before the Legislature as this bill); and

5 (3) monitoring progress toward the 2020 limit and the 2050
6 limit ¹and any interim limits .

7 c. Pursuant to the rules and regulations adopted pursuant to
8 subsection a. of this section, the department shall require reporting
9 of the greenhouse gas emissions:

10 (1) associated with fossil fuels used in the State, as reported by
11 entities that are manufacturers and distributors of fossil fuels, which
12 may include, but need not be limited to, oil refineries, oil storage
13 facilities, natural gas pipelines, and fuel wholesale and retail
14 distributors;

15 (2) from any entity generating electricity in the State and from
16 any entity that generates electricity outside the State that is
17 delivered for end use in the State. With respect to electricity
18 generated outside the State and imported into the State, the
19 department shall determine the emissions from that generation by
20 subtracting the kilowatt-hours of electricity generated in the State
21 from the kilowatt-hours of electricity consumed in the State, and
22 multiplying the difference by a default emissions rate determined by
23 the department;

24 (3) from any gas public utility as defined in section 3 of
25 P.L.1999, c.23 (C.48:3-51); and

26 (4) from any additional entities that are significant emitters of
27 greenhouse gases, as determined by the department, and as
28 appropriate to enable the department to monitor compliance with
29 progress toward the 2020 limit and the 2050 limit.

30 ²d. No later than 18 months after the department prepares and
31 transmits the report as required pursuant to subsection c. of section 6
32 of P.L.2007, c.112 (C.26:2C-42), the department shall adopt, pursuant
33 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
34 seq.), rules and regulations establishing interim benchmarks necessary
35 to achieve the 2050 limit, and measures necessary to achieve the 2050
36 limit and the established interim benchmarks. ²

37 (cf: P.L.2007, c.112, s.5)

38
39 4. Section 6 of P.L.2007, c.112 (C.26:2C-42) is amended to
40 read as follows:

41 6. a. The department, in consultation with the Board of Public
42 Utilities, the Department of Agriculture, the Department of
43 Transportation, and the Department of Community Affairs, shall
44 evaluate policies and measures that will enable the State to achieve
45 the 2020 limit, shall make specific recommendations on how to
46 achieve the emission reduction targets, including measures that
47 reduce emissions in all sectors of the economy including
48 transportation, housing, and consumer products, and shall evaluate

1 the economic benefits and costs of implementing these
2 recommendations. The department shall coordinate its evaluation
3 of greenhouse gas emission reduction policies and measures with
4 the work of the Energy Master Plan Committee established pursuant
5 to section 12 of P.L.1977, c.146 (C.52:27F-14).

6 b. No later than June 30, 2008, the department, and any other
7 State agencies, as appropriate, shall prepare a report recommending
8 the measures necessary to reduce greenhouse gas emissions to
9 achieve the 2020 limit. The report shall include specific
10 recommendations for legislative and regulatory action that will be
11 necessary to achieve the 2020 limit. The report shall be transmitted
12 to the Governor, to the State Treasurer, to the Legislature pursuant
13 to section 2 of P.L.1991, c.164 (C.52:14-19.1) and to the members
14 of the Senate Environment Committee and the Assembly
15 Environment and Solid Waste Committee.

16 c. No later than **June 30, 2010** one year after the effective
17 date of P.L. , c. (C.) (pending before the Legislature as this
18 bill), the department, in consultation with the Board of Public
19 Utilities¹ and any other State agencies, as appropriate, shall prepare
20 a report recommending the measures necessary to reduce
21 greenhouse gas emissions ¹, including short-lived climate pollutants,¹
22 to achieve the 2050 limit. The report shall include specific
23 recommendations for legislative and regulatory action that will be
24 necessary to achieve the 2050 limit ¹and any established interim
25 benchmarks¹ . The report shall also include recommendations for
26 additional policies and measures that will be required if the State is
27 otherwise expected to exceed the 2020 limit and any additional
28 measures that will be required to meet the 2050 limit. The report
29 shall be transmitted to the Governor, to the State Treasurer, to the
30 Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1)
31 and to the members of the Senate Environment Committee and the
32 Assembly Environment and Solid Waste Committee.

33 d. The Energy Master Plan Committee shall include in its
34 adoption of the first update of the energy master plan completed
35 after the date of enactment of **this act** P.L.2007, c.112 (C.26:2C-
36 37 et al.), a list of recommended policies and measures to reduce
37 the emission of greenhouse gases from the production, processing,
38 distribution, transmission, storage, or use of energy that will
39 contribute to achieving the 2020 limit.

40 e. Nothing in **this act** P.L.2007, c.112 (C.26:2C-37 et al.)
41 shall impose any limit on the existing authority of the department,
42 the Board of Public Utilities, or any other State department or
43 agency to limit or regulate greenhouse gas emissions pursuant to
44 law.

45 (cf: P.L.2007, c.112, s.6)

1 5. Section 7 of P.L.2007, c.112 (C.26:2C-43) is amended to
2 read as follows:

3 7. a. No later than **【January 1, 2009】** 18 months after the
4 effective date of P.L. , c. (C.) (pending before the
5 Legislature as this bill), and biennially thereafter, the department
6 shall prepare and transmit, in writing, a report to the Governor, to
7 the State Treasurer, to the Legislature pursuant to section 2 of
8 P.L.1991, c.164 (C.52:14-19.1) and to the members of the Senate
9 Environment Committee and the Assembly Environment and Solid
10 Waste Committee, on the status of the greenhouse gas emissions
11 monitoring and reporting program established pursuant to **【this act】**
12 P.L.2007, c.112 (C.26:2C-37 et al.), the current level of greenhouse
13 gas emissions in the State and the progress made toward compliance
14 with the 2020 limit and the 2050 limit established pursuant to **【this**
15 **act】** P.L.2007, c.112 (C.26:2C-37 et al.). The report shall also
16 include updated and comparative inventories of Statewide
17 greenhouse gas emissions.

18 b. **【No later than January 1, 2015,】** As part of the reports
19 required pursuant to subsection a. of this section, the department
20 shall evaluate the ecological, economic, and environmental factors
21 and the technological capability affecting the attainment or
22 maintenance of the 2020 limit and the 2050 limit established
23 pursuant to this act.

24 (cf: P.L.2007, c.112, s.7)

25

26 ¹**【6. (New section) a. No later than 18 months after the**
27 **effective date of P.L. , c. (C.) (pending before the**
28 **Legislature as this bill)**, the department shall develop a
29 comprehensive strategy to reduce emissions of short-lived climate
30 pollutants in the State. In developing the strategy, the department
31 shall:

32 (1) complete an inventory of sources and emissions of short-
33 lived climate pollutants in the State based on available data;

34 (2) identify research needs to address any gaps in the data;

35 (3) identify existing and potential new control measures to
36 reduce emissions;

37 (4) prioritize the development of new measures to reduce short-
38 lived climate pollutants that offer co-benefits by improving water
39 quality or reducing other air pollutants that impact community
40 health and benefit disadvantaged communities, as identified by the
41 department; and

42 (5) coordinate with other State agencies and local government
43 units to develop measures identified as part of the strategy.

44 b. The department shall hold at least one public hearing during
45 the development of the strategy required pursuant to subsection a.
46 of this section to receive input from members of the academic
47 community, industry experts, and members of the public.

1 c. Nothing in this section shall be construed to limit the
2 existing authority of the department, the Board of Public Utilities,
3 or any other State department or agency to limit or regulate short-
4 lived climate pollutants pursuant to law.

5 d. As used in this section, “short-lived climate pollutant”
6 means a pollutant that has a relatively short lifespan in the
7 atmosphere, from a few days to a few decades, and has a warming
8 influence on the climate that is greater than that of carbon dioxide
9 and includes, but is not limited to, black carbon, fluorinated gases,
10 and methane.】¹

11

12 ¹[7.] 6.¹ This act shall take effect immediately.